


### REMARKS

Claims 1, and 70-138 are pending in this application. Applicant hereby elects the claims of Group III (claims 1, 70-77, 87-89, 93-108, and 90-92 (in part)), which recite SEQ ID NO: 8, the promoter region designated T500, as set forth by the examiner. Applicant also indicates the T500 region is also included in the promoter fragments T1200 and T600 defined in the specification and claims, and demonstrates an increased activity when compared to the untransformed plant tissue control (see specification, for example, page 11, Table A). Accordingly, the election of the Group III claims also covers the larger promoter fragments set forth in SEQ ID NOs: 6 and 7. Applicant amends claims 1, 70-74, 77, 87, 89 and 91 for clarity. Amended claims fall under the elected Group III, as set forth by the examiner. Amendments to the claims are fully supported by the specification. Therefore, no new matter is introduced. Claims 78-80, 91 and 92 are cancelled without prejudice or disclaimer.

A first office action on the merits is awaited. It is respectfully submitted that the application is in condition for examination, and an early action on the merits is courteously requested.

Respectfully submitted,

  
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